# Frequently Asked Questions
# In-Use Off-Road Diesel Vehicle Regulation

## Applicability

**Q – I am a non-profit training center that owns and operates off-road diesel vehicles. Am I required to comply with the in-use off-road diesel vehicle regulation?**

A – Non-profit training centers (such as training facilities run by operating engineer unions) must comply with the regulation; however, they get to comply with the small fleet provisions even if their horsepower exceeds 2,500 horsepower. This means that non-profit training centers are exempted from the turnover requirements in the regulation (i.e., the NOx requirements) and need not begin meeting fleet average emission rate targets for particulate matter or applying verified diesel emission control systems until 2015. Further information on the regulation's requirements for small fleets is included in the small fleet fact sheet, which can be found at
http://www.arb.ca.gov/msprog/ordiesel/documents/offrddieselsmallfltsFS.pdf

Non-profit training centers are defined in title 13, section 2449(c)(32), which states, "Non-Profit Training Center means an entity that operates a program for training in the use of off-road vehicles and qualifies as a non-profit or not for profit organization under title 26 Internal Revenue Code Section 501(a), (c)(3), (c)(5), or (c)(6)." The definition of small fleet in section 2449(c)(25)(C) includes special language stating that all non-profit training centers qualify as small fleets.

**Q – I own off-road diesel vehicles for Job Corps, a non-profit apprenticeship training program. Am I required to report my vehicles and comply?**

A – Job Corps fleets are exempt from the regulation's performance requirements, which means they need not replace vehicles or engines and need not install retrofits. However, Job Corp fleets still must report and label their vehicles. (This is per Title 13, section 2449(e)(11), which states, "Exemption for Job Corps Vehicles-Vehicles used by the Job Corps non-profit apprenticeship training program are exempt from the performance requirements in sections 2449(d), 2449.1(a), 2449.2(a), and 2449.3(d) but still must be labeled and reported in accordance with sections 2449(f) and (g).")



*While this document is intended to assist fleets with their compliance efforts, it is the sole responsibility of fleets to ensure compliance with the In-Use Off-Road Diesel Vehicle Regulation.*

Further information on how to report can be found at https://secure.arb.ca.gov/ssldoors/doors_reporting/reporting.php

**Q – I am an individual homeowner, and I own some diesel equipment for personal use. Am I required to report my vehicles and comply?**

A – No. Individual homeowners who own diesel vehicles for personal use are completely exempt from the regulation. They need not comply with the reporting, labeling, or performance requirements of the regulation. Examples of such equipment could include a backhoe or lawn tractor used for caring for a personal property. (Section 2449(b) of the regulation states, "off-road diesel vehicles owned and operated by an individual for personal, non-commercial, and non-governmental purposes are exempt from the provisions of this regulation.")

**Q – Are off-road vehicles used on Native American reservations covered by the off-road regulation?**

A – If a fleet operates vehicles ONLY on the reservation, it is exempt from the off-road regulation, just like a fleet operating in another state or in a foreign country. However, if a fleet is based on a reservation, but uses its vehicles off reservation property within California, those vehicles are treated as though they are being brought into California from out-of-state. The vehicles must be reported to ARB within 30 days of first entering the State, must be labeled, and must meet the performance requirements of the regulation (fleet averages or annual retrofitting/turnover requirements).

**Q – Does the off-road regulation cover off-road vehicles that are operated off-shore, like a diesel forklift on an oil drilling platform or a loader on a barge?**

A – Yes, it applies to vehicles that are used on land as well as within California territorial waters. California territorial waters are generally defined as within 24-miles of shore.

**Q – Does the off-road regulation cover snow removal vehicles like snow blowers or loaders?**

A – Partially. Such off-road snow removal vehicles must be reported like any other off-road vehicle and labeled (per section 2449(e)(4)). However, as described further below, some off-road snow removal vehicles are exempt from the regulation's performance requirements (retrofitting and

replacement). Snow removal vehicles meeting one of the following two criteria are exempt from the regulation's performance requirements and need not be included when calculating fleet average indices or target rates, when determining fleet size, or when calculating the required horsepower for the regulation's turnover and retrofit requirements:

1. Vehicles that have permanently affixed snow removal equipment such as a snow blower or auger and that are operated exclusively to remove snow from public roads, private roads, or other paths from which snow must be cleared to allow on-road vehicle access (including parking lots). Such vehicles may include, but are not limited to, motor graders, loaders, and snow blowers. Such vehicles meet the regulation's definition of Dedicated Snow Removal Vehicle (in section 2449(c)(12)).

2. Publicly owned vehicles used exclusively to support removing snow from public roads, private roads, or driveways (i.e., snow removal operations per section 2449(c)(47)) but which do not have permanently affixed snow removal equipment.

**Q – What are some examples of snow removal vehicles with permanently affixed snow removal equipment?**

A – Vehicles with permanently affixed snow removal equipment can include snow blowers, loaders, graders, and other equipment types. Photographs of some examples are shown below:

Snow blower



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Wheel loader with snow removal attachment

Snow removal vehicle with permanent snow removal attachment



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Snow blower

**Q – What if I have a vehicle used only for snow removal but it does not have any kind of special attachment?**

A – If such a vehicle is publicly owned, it is exempt from the regulation's performance requirements and need not be included when calculating fleet average indices or target rates, when determining fleet size, or when calculating the required horsepower for the regulation's turnover and retrofit requirements. However, if it is privately owned, it is not exempt.

Thus, a loader without a permanently attached snow blower or auger that is owned by a city or county and that is used exclusively for snow removal would be exempt from the regulation's performance requirements. However, the same loader owned by a private company and used exclusively for snow removal would not be exempt.

**Q – What if I use my vehicle in the winter for snow removal but in the summer I use it for other purposes?**



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A – To be exempted from the performance requirements, the vehicle must be used exclusively for snow removal. Thus, a vehicle used part of the year for non-snow removal purposes would not be exempt regardless if it is owned by a government or private company.

**Q – Is a snow cat that is used to groom ski trails considered a dedicated snow removal vehicle and therefore exempt from the regulation?**

A – No, to be a dedicated snow removal vehicle, a vehicle must be operated exclusively to remove snow from public roads, private roads, or other paths from which snow must be cleared to allow on-road vehicle access. A snow cat used to groom ski trails does not meet this definition.

**Q - I am a fleet that owns off-road diesel vehicles that will be operated inside and outside California. Am I required to report my vehicles that are operated outside California?**

A - You are only required to report vehicles that are operating in California. However, if you own some vehicles not currently in California, but that have operated in California in the past, then you may wish to report them with your initial reporting. You are not allowed to report vehicles that have never been operated in California. (This is per Title 13, section 2449(c)(23), which states, "A fleet does not include vehicles that have never operated in California.") If you choose to wait and report such vehicles later if and when they come to California, once they enter into the State, they must be reported within 30 days (see Title 13, section 2449(f)(1)).

When deciding whether to report vehicles that are currently outside California, you should consider the following factors:

- Keep in mind that unless a fleet meets the fleet average targets, then its total horsepower will determine its annual retrofitting and turnover requirements. Thus reporting vehicles that are outside the State could increase a fleet's annual compliance requirements.
- If you own a vehicle that is a Tier 0 or Tier 1, and you anticipate it will be operated in California, it will most likely be in your best interest to report it along with your initial reporting even if it is not currently in California. This is because beginning March 1, 2009, there will be some restrictions on adding vehicles and it could become impossible later to add it back to your fleet if it is not included

in the initial reporting (see section 2449(d)(7)). As of March 1, 2009, fleets will not be able to add Tier 0s anymore. Then, beginning March 1, 2010, a fleet will be restricted from adding Tier 1s as well if it is not meeting the fleet average targets.